

REMARKS

Claims 1-3, 5-6, 12-17, 19-21, 28-30 and 45-50 are pending in the application.

Claims 1-3, 5-6, 12-17, 19-21, 28-30 and 45-50 have been rejected.

Claims 1, 12, 15, 28, 45, 48 and 50 have been amended.

Claim 49 has been cancelled.

Unless otherwise specified in the below discussion, Applicants have amended the above-referenced claims in order to provide clarity or to correct informalities in the claims. Applicants further submit that, unless discussed below, these amendments are not intended to narrow the scope of the claims. Applicants have also canceled a claim in order to clarify the issues for prosecution. By these amendments and cancellation, Applicants do not concede that the cited art is prior to any invention now or previously claimed. Applicants further reserve the right to pursue the original versions of the claims in the future, for example, in a continuing application.

Rejection of Claims Under 35 U.S.C. § 102

Claims 1-3, 12, 45-48 and 50 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,804,657 issued to Sultan ("Sultan"). Applicants traverse this rejection.

As an initial matter, Applicants hereby incorporate discussion presented in response to previous Office Actions to the extent such discussion is applicable to the claims as presently presented.

Independent Claims 1, 12, 15, 28, 45 and 48, as amended, each contain limitations of substantially the following form:

a forecast series creation set of instructions to

identify hierarchy data defining a hierarchy structure of an organization, including data identifying a hierarchical position of each member of the organization,

identify a date on which to generate a forecast and a period of time over which the forecast is to cover,

identify members of the organization to be included in the forecast, the members derived from the hierarchy,

identify forecast data to be automatically analyzed to generate the forecast,

identify a visibility mode for the forecast,

generate a forecast series comprising the identity of the hierarchy data, the identity of the date and the period of time, the identity of the members of the organization to be included in the forecast, the identity of the forecast data to be automatically analyzed, and the identity of the visibility mode, and

store the forecast series for use in generation of the forecast.

See, e.g., Claim 1 (amended). Applicants respectfully submit that Sultan fails to provide disclosure of at least the “identify a date” and “store the forecast series” limitations of the amended claims.

Each of the amended independent claims contains an amended limitation providing “identify a date on which to generate a forecast and a period of time over which the forecast is to cover.” Support for this limitation can be found in the original Application at least at p.13, l.25 – p.14, l.5. Applicants submit that the cited sections of Sultan fail to provide disclosure of such a date and period of time. The sections of Sultan cited by the Office Action only provide disclosure of purportedly generating a forecast in real time upon request. *See, e.g.*, Sultan 2:36-37 (“generate, upon request, a real time sales forecast over a selected time period”); Sultan 3:63-64 (“create forecast sales information over a specified period of time”). Neither of the cited sections provide for identifying a date on which to generate a

forecast, thus Sultan does not contemplate the generation of a forecast at any time except the current time in which the forecast is requested.

Each of the amended independent claims further contains an amended limitation providing “store the forecast series for use in generation of the forecast.” Support for this amended limitation can be found at least at p.15, ll.3-6 of the original Application. Applicants have also amended the “generate a forecast series” limitation of the independent claims to clarify that the forecast series includes the identity of the various items and not the items themselves. The Office Action cites to a wide variety of disclosure within Sultan as purportedly corresponding to the identified elements of the claimed forecast series. But there is no indication within the cited sections of Sultan that the identities of the information identified by the Office Action are stored for use in generating a forecast, as claimed. Applicants further submit that since Sultan only provides for real time generation of a forecast, there is no need for Sultan to provide for storage of a forecast series for a generation of a forecast at a time in the future.

For at least these reasons, and those expressed in response to previous Office Actions, Applicants submit that Sultan fails to provide disclosure of all of the limitations of independent Claims 1, 12, 15, 28, 45 and 48, as amended, and all claims depending therefrom, and that these claims are in condition for allowance. Applicants therefore respectfully request the Examiner’s reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

Rejection of Claims Under 35 U.S.C. § 103

Claims 5, 6, 13-17, 19-21, 28-30 and 49 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sultan, as applied to Claims 1 and 12 above. Applicants traverse this rejection.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

With regard to dependent Claims 5, 6, 13-14 and 49, Applicants respectfully submit that the discussion above related to the independent claims from which these claims depend establishes that Sultan does not provide disclosure of every limitation contained within these claims. For at least these reasons, Applicants respectfully submit that these dependent claims are allowable over Sultan in combination with any other reference or any notice taken by the Examiner.

Claims 15 and 28: Independent Claims 15 and 28 each contain a limitation of substantially the following form:

a forecast series creation set of instructions to ... generate a forecast series comprising the identity of the hierarchy data, the identified rules, the date and time to generate a forecast, the identity of the members of the organization to be included in the forecast, the identity of the forecast data to be automatically analyzed, and the identified visibility mode.

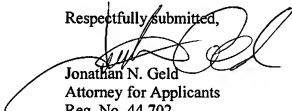
See, e.g., Claim 15 (as amended). Applicants respectfully submit that for the reasons discussed above with regard to independent Claims 1, 12, 45, 48 and 50, Sultan fails to provide disclosure of at least this claim limitation in these independent claims. The Office Action fails to provide any additional or differentiated citation to sections within Sultan or any other reference suggesting disclosure of this claim limitation.

For at least the reasons discussed above, Applicants respectfully submit that independent Claims 15 and 28, and all claims depending therefrom (Claims 16, 17, 19-21, 29 and 30), as amended, are in condition for allowance. Therefore, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejections as to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

Respectfully submitted,



Jonathan N. Geld
Attorney for Applicants
Reg. No. 44,702
(512) 439-5090 [Phone]
(512) 439-5099 [Fax]